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| EXAMINER |
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WOOD, WILLIAM H

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| ART UNIT | PAPER NUMBER |
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2193

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/843,701 | Applicant(s) HSIEH ET AL. | |
| | Examiner William H. Wood | Art Unit 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-20 and 23-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-10, 12-20, and 23-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-2, 4-10, 12-20, and 23-37 are pending and have been considered.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-37 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Simple display of information is not considered useful as it is merely nonfunctional descriptive material. The claims are non-statutory subject matter. The claim is directed toward a GUI with no embodiment of hardware to carry out the functionality and thus it is nonfunctional. The claim is software *per se* and has no implementation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-10, 12-20 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dean** et al. (USPN 6,202,206) in view of **Cantos** et al. (USPN 6,529,784).

Claim 1

Dean disclosed a graphical user interface (GUI) for management of software associated with a plurality of customers having diverse software requirements, said graphical user interface comprising:

- ♦ a first user interface element actuable to access a portion of said graphical user interface via which a user can select one of said plurality of customers, which portion is responsive to such a selection to display a list of software groups which are available for management for one of said plurality of customers (*figure 22, note customer profile section; note expansion and contraction +/- format of customers*); and
- ♦ at least one GUI mechanism actuable to add a new software group to said list of software groups (*figure 20, "add an application..."*).

Dean did not explicitly state the graphical user interface, wherein said available packages include only those software packages that are associated with said one of said plurality of customers. **Cantos** demonstrated that it was known at the time of invention to provide packages/software base upon association with a specific customer (column 6, lines 13-25). It would have been obvious to one of ordinary skill in the art at

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the time of invention to implement the installation system of **Dean** with presenting available software/package/components based upon specific customer as found in **Cantos'** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide information specific to those who need it, the customer (column 2, lines 38-46; column 8, lines 52-66).

Claim 2

Dean disclosed the graphical user interface of claim 1, wherein said first user interface element is a link which is actuable via a pointing device and a curser displayed on said graphical user interface (*figure 22, note "Back" and "Next" buttons*).

Claim 5

Dean disclosed the graphical user interface of claim 1, wherein each of said software groups is a bundle of software (*figure 22, note multiple applications per software*), each bundle of software including at least one software package (*figure 22, note "Lotus Domino Intranet Starter Pack" under customer "PILOT"*).

Claim 7

Dean disclosed the graphical user interface of claim 1, wherein each of said groups of software is a role (*figures 20 and 21; note types of applications*).

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Claim 8

Dean disclosed the graphical user interface of claim 7, wherein each said role includes at least one bundle of software (*figure 21, note multiple "bundles" applications*).

Claim 9

Dean disclosed the graphical user interface of claim 8, wherein each bundle of software includes at least one software package (*figure 22, note "Lotus Domino Intranet Starter Pack" under customer "PILOT"*).

Claim 12

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a name for said new software group (*figure 10, note name field*).

Claim 13

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a type for said new software group (*figure 14, note elements 76 and 75*).

Claim 14

Dean disclosed the graphical user interface of claim 13, wherein said type is one of: application code and customer code (*figure 14, elements 76 and 75*).

Claim 15

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a platform for said new software group (*figure 9, note Windows NT*).

Claim 16

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a description for said new software group (*figures 10-12, note various description fields for configuration*).

Claim 17

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a service associated with said new software group (*figures 10 and 12, component selection*).

Claim 18

Dean disclosed the graphical user interface of claim 17, wherein said service is one of: web and database (*figures 11 and 12, Netscape Navigator and IBM DB2*).

Claim 19

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a screen which permits said user to select one or more available packages for said new software group (*figures 10 and 12, component selection*).

Claim 20

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a screen which permits said user to select one or more available bundles for said new software group (*figures 10 and 12, component selection*).

Claim 24

Dean disclosed the graphical user interface of claim 1, wherein said portion of said graphical user interface includes at least one GUI mechanism which permits said user to select one of said software groups and perform an action with respect thereto (*figures 8 and 9*).

Claim 25

Dean disclosed the graphical user interface of claim 24, wherein said action is viewing details of said selected one of said software groups (*figures 10-12*).

Claim 26

Dean disclosed user interface of claim 25, wherein said details include a version number of said selected one of said software groups (*figures 11-12*).

Claim 27

Dean disclosed the graphical user interface of claim 24, wherein said action is creating a new version of said selected one of said software groups (*figures 10-12; new configurations*).

Claim 28

Dean disclosed the graphical user interface of claim 24, wherein said action is editing one of a description of said selected one of said software groups and software contents of said selected one of said software groups (*figures 10-12*).

Claims 6 and 10

Dean did not explicitly state the graphical user interface of claim 5 and 9, wherein said at least one software package is a Red Hat Package Manager (RPM) package. Official

Notice is taken that it was known at the time of invention to make use of Red Hat Package Manager. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software management system of **Dean** with managing and installing RPM. This implementation would have been obvious because one of ordinary skill in the art would be motivated to install management software in order to provide a workstation or client management functionality.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dean et al.** (USPN 6,202,206) in view of **Cantos et al.** (USPN 6,529,784).

Claim 4

Dean did not explicitly state the graphical user interface of claim 1, wherein said first portion includes a GUI mechanism for filtering said list of software groups based on a selected operating system platform. **Cantos** demonstrated that it was known at the time of invention to provide packages/software base upon operating system (column 5, lines 53-58) It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Dean** with presenting available software/package/components based upon specific customer information, like OS, as found in **Cantos'** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide information specific to those who need it, the customer (column 2, lines 38-46; column 8, lines 52-66).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dean et al.** (USPN 6,202,206) in view of **Cantos et al.** (USPN 6,529,784) in further view of **Marino et al.** (USPN 6,681,391).

Claim 23

Dean did not explicitly state the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a screen which permits said user to select an order of installation for software modules within said new software group. **Marino** demonstrated that it was known at the time of invention for developers/users to decide an appropriate order of component installation (column 1, line 5 to column 2, line 16 and column 2, line 19 to column 3, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation and management system of **Dean** with installation order specifying as found in **Marino's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an efficient mechanism to install and configure software (column 1, lines 51-57).

6. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fitzgerald et al.** (USPN 5,581,764).

Claim 29

Fitzgerald disclosed management of software associated with a plurality of customers (*column 7, line 53 to column 8, line 25; plurality of distributed computers*), comprising:

- ♦ at least one mechanism that is responsive to selection of a specific software unit for displaying to a user a plurality of devices associated with said plurality of customers on which said specific software unit is installed (*column 7, line 53 to column 8, line 25; Already Have lists showing selected software for a plurality of devices/customers*).

Fitzgerald did not explicitly state *GUI* mechanism for displaying customer software units. **Fitzgerald** demonstrated that it was known at the time of invention to provide graphical user interfaces to a variety of applications and environments (*column 2, lines 16-27*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-client resource management system of **Fitzgerald** graphical user interface (GUI) as suggested by **Fitzgerald's** own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide easily understood and intuitive environment for user/administrator interface (*column 2, lines 25-27*).

Claim 30

Fitzgerald disclosed the graphical user interface of claim 29, wherein said at least one GUI mechanism includes a list of software units associated with said plurality of customers (*column 7, line 53 to column 8, line 25; Already Have lists*).

Claim 31

Fitzgerald disclosed the graphical user interface of claim 29, wherein said software unit is a bundle including at least one package (*column 7, line 53 to column 8, line 25; bundle and package meaning group of resource/software components*).

Claim 32

Fitzgerald disclosed the graphical user interface of claim 29, wherein actuation of said at least one GUI mechanism results in a display of all of the devices within a network that includes said specific software unit (*column 7, line 53 to column 8, line 25; Already Have lists*).

Claim 33

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by customer name (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 34

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by hostname (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 35

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by IP address (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 36

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by data center (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 37

Fitzgerald disclosed the graphical user interface of claim 29, further comprising:

- ♦ means for deprecating said specific software unit (*column 8, lines 3-9; lists of updated resources/objects/software*).

Response to Arguments

7. Applicant's arguments filed 22 March 2005 have been fully considered but they are not persuasive. Applicant argues: ¹⁾ no 35 USC 101 issue present; ²⁾ **Cantos** does not disclose graphical user interface as indicated in the rejection; and ³⁾ **Fitzgerald** does not disclose a plurality of devices on which a specific software unit is installed.

First, the 35 USC 101 issues are addressed above in a clarified rejection.

Second, the issue of **Cantos** is broken into two arguments: one regarding whether a GUI is present and one regarding whether associating customers with packages is disclosed. A GUI is clearly indicated (column 6, lines 52-56). **Cantos** was merely cited to demonstrate the obviousness of associating specific customers with packages. This is clear from at least column 6, lines 20-21.

Third, **Fitzgerald** clearly discloses numerous given software units on the lists for numerous individual distributed computers. Those computers are a plurality of devices. More than one software unit being indicated does not detract from still indicating a give software unit.

Having addressed Applicant's raised concerns, the rejections are maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

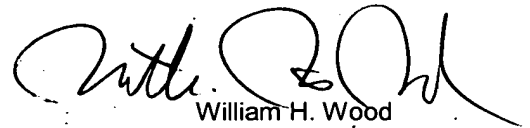
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
Patent Examiner
AU 2193
March 20, 2006



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